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July 9, 2007

Mr. Harley G. Lappin
Director
Federal Bureau of Prisons
320 First Street, NW
Washington DC 20534

Dear Mr. Lappin:

The undersigned organizations, which represent a broad segment of the Orthodox Jewish community in the United States, join together to voice concern regarding the BOP's new religious library book policy. We believe that the new policy will needlessly prejudice many of the BOP's inmates, of all faiths, by arbitrarily denying them access to important religious works. To take the example with which we are most familiar, the study of Torah is an integral component of Jewish religious life and social wellbeing. Arbitrary limitations on the religious tracts a prison library may stock will severely inhibit the ability of Jewish inmates to engage in this essential activity.

It is our understanding that the new policy is being implemented in response to a 2004 report issued by the Department of Justice's Office of Inspector General, which recommended that the BOP "should conduct an inventory of chapel books and videos and re-screen them to confirm that they are permissible under BOP security policies." While we have no quarrel with the OIG's recommendation, and while we applaud the national security goals it intends to achieve, we believe that the new policy being implemented by the BOP is excessive, going far beyond what is necessary to achieve these goals. Rather than addressing the OIG's legitimate concern by reviewing existing chapel libraries for specific books or other materials with objectionable content and removing those materials that are unsuitable, the BOP has promulgated an approved reading list limited to 150 published works per religion and, de facto, banned any book not included on that limited list. Frankly, we are at a loss to understand why any religious book would be banned by an arbitrary cap if it is otherwise acceptable and contributes to the spiritual development of inmates seeking religious reading materials in a prison chapel library.

The harshness of this new policy is already being felt. It has been reported in the media (and we have confirmed through our independent contacts) that the religious library in the facility in Otisville, N.Y. has been dismantled and literally decimated, with many hundreds of books, videos and audio tapes having been removed from the library, boxed, and stored away in a

warehouse inaccessible to the inmates. According to our information, many of the confiscated Jewish books, at least, included authoritative religious study materials that were regularly being used by observant Jewish inmates. We are aware that a number of inmates at Otisville have commenced a lawsuit challenging the BOP's action, and may be pursuing internal BOP administrative remedies, but this is an issue that should be resolved without having to go through a full-blown legal/administrative proceeding.

In addition to the impact of the BOP's new policy on existing prison library collections, the new policy will also make it extremely difficult for inmates to gain access to new books, videos and audio presentations. The approved list would have to be constantly updated and some older works would have to be discarded so that the total number of books does not exceed the cap. Any such system would be unwieldy, perhaps even unworkable – and, in terms of the OIG's concerns, entirely unnecessary.

We do, of course, recognize that having an approved list of books is desirable from an efficiency standpoint. As suggested by OIG, maintaining a central registry of acceptable material would “prevent duplication of effort when reviewing these materials.” However, the OIG did not suggest, nor can anyone justify, setting a numerical limitation on the number of approved publications, much less excluding from the approved list harmless books that are currently being used by inmates.

In short, we believe the OIG's and BOP's goals can be accomplished with a much less restrictive and less draconian approach. In lieu of instructing prison chaplains to empty their library shelves of useful and harmless materials – literally throwing the baby out with the bathwater – we would respectfully suggest that the BOP adopt a more targeted approach, to include the following components:

1. There should be no limitation on the quantity of approved publications. No book that is otherwise acceptable should be removed from the library shelves simply because of an arbitrary cap.
2. With respect to screening of religious material already available to inmates in chapel libraries, as well as new materials that will be made available to chapel libraries in the future, BOP personnel responsible for determining the appropriateness of religious materials should be encouraged to seek the advice and assistance not only of its internal subject matter experts of the various faith groups, but also of responsible religious advocacy organizations known to the BOP. We understand that the BOP has in the past relied upon the expertise of such organizations for various programs, including the provision of materials that are suitable for pastoral use in a prison setting.
3. Pending the BOP's reconsideration of its new religious book policy, materials that have already been removed should be put back on the shelves while awaiting screening, or

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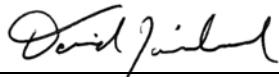
otherwise made available to inmates who seek them out, unless there is reason to believe that specific materials may be objectionable.

As concerned religious organizations, we ask for the opportunity to meet with you to discuss the issues raised in this letter. We – and, we are confident, responsible representatives of other faith communities – would regard it as an honor to work with you in helping formulate procedures that will allow the BOP to meet its security objectives and at the same time permit prison libraries to retain the vast storehouse of wholesome religious materials that have been accumulated over the years as well as new publications.

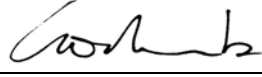
Thank you for your kind consideration. We look forward to hearing back from you soon.

Very truly yours,


AGUDATH ISRAEL OF AMERICA

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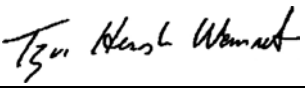
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cc: Hon. Alberto R. Gonzales, Attorney General of the United States
Ms. Joyce K. Conley, Assistant Director, BOP
Ms. Susan VanBaalen, Chaplain Administrator, BOP
Hon. Glenn A. Fine, Inspector General, DOJ
Hon. Joseph R. Biden, chairman,
Senate Judiciary Committee Subcommittee on Crime and Drugs
Hon. Lindsay O. Graham, ranking minority member,
Senate Judiciary Committee Subcommittee on Crime and Drugs
Hon. Robert C. Scott, chairman,
House Judiciary Committee Subcommittee on Crime, Terrorism and Homeland Security
Hon. J. Randy Forbes, ranking minority member,
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